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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 EURAL DEWAYNE DEBBS SR.,)
09) CASE NO. C12-0573-RSL-MAT
10 Petitioner,)
11)
12 v.) REPORT AND RECOMMENDATION
13)
14 STATE OF WASHINGTON)
15 PROSECUTOR'S OFFICE,)
16)
17 Respondent.)
18)
19)
20)
21)
22)

14 INTRODUCTION AND SUMMARY CONCLUSION

15 Petitioner, proceeding *pro se* and *in forma pauperis*, submitted a writ of habeas corpus
16 and writ of mandamus. (Dkts. 4 & 8.) Petitioner is currently confined in King County
17 Correctional Facility awaiting final adjudication of charges filed against him in King County
18 Superior Court. *See Washington v. Debbs*, No. 12-1-00979-8 SEA. He avers extraordinary
19 circumstances requiring federal intervention into his ongoing state criminal proceedings. His
20 allegations include, *inter alia*, an absence of probable cause and evidence, malicious
21 prosecution and misconduct, due process violations, and racial bias. (Dkts. 4 & 8.)

22 Generally, the federal courts will not intervene in a pending state court criminal

01 proceeding absent extraordinary circumstances where the danger of irreparable harm is both
02 great and immediate. *See Younger v. Harris*, 401 U.S. 37, (1971). “[O]nly in the most
03 unusual circumstances is a defendant entitled to have federal interposition by way of injunction
04 or habeas corpus until after the jury comes in, judgment has been appealed from and the case
05 concluded in the state courts.” *Drury v. Cox*, 457 F.2d 764, 764-65 (9th Cir. 1972) (per
06 curiam). *See also Carden v. Montana* 626 F.2d 82, 83-84 (9th Cir. 1980).

07 This Court recently addressed a similar action filed by petitioner, raising many of the
08 same claims and relating to the same state criminal proceedings. *See Debbs v. City of Seattle*,
09 No. C12-0289-RSM. The Court adopted a thorough Report and Recommendation outlining
10 the reasons that case satisfied the criteria for *Younger* abstention and dismissed the case without
11 prejudice. *Id.* (Dkts. 8 & 15). In this case, the same reasoning applies and compels the
12 dismissal of this matter. As before, the *Younger* abstention principles apply and petitioner’s
13 assertion of extraordinary circumstances justifying this Court’s intervention in his ongoing
14 state criminal proceedings is no more than conclusory.

15 For the reasons stated above, petitioner’s pending motions (Dkts. 4 & 9) should be
16 STRICKEN and this matter DISMISSED without prejudice. Also, because it appears
17 petitioner submitted documents pertinent to his ongoing state criminal proceedings, the Court
18 directs the Clerk to return to petitioner the documents attached to the Notice of Motion and Writ
19 of Mandamus. (*See* Dkt. 4.) A proposed order accompanies this Report and
20 Recommendation.

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01 DATED this 20th day of April, 2012.

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04 Mary Alice Theiler
05 United States Magistrate Judge
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